

**Remarks**

Claims 1, 4-8, 10 and 12-15 are pending. Claims 2-3, 9 and 11 are canceled in this Response.

***Objections to the Specification***

Paragraphs 0002 and 0016 in the Specification have been amended to correct the informalities noted by the Office in paragraph 2 of the Office Action.

***Rejections Under Section 112***

The claims have been amended to more clearly recite the "interconnection" between the elements. Claim 1, for example, now recites determining the number of sheets in the parcel based on a relationship between the thickness of the parcel and the number of sheets in the parcel, determining the weight of the parcel based on the determined number of sheets in the parcel and the weight data accessed for the sheets and the packaging and determining postage for the parcel based on the accessed postal rates and the determined weight of the parcel. Support for the amendments may be found in paragraphs 0013 and 0014 of the Specification.

The amendments are felt to address the items noted by the Office at pages 3-4 of the Office Action.

***Rejections Under Section 101***

Claim 15 was rejected under Section 101 at pages 5-6 of the Office Action as being directed to non-statutory subject matter, apparently on the grounds that "a disembodied storage device" is not statutory. Applicant notes that a computer-readable medium encoded with a computer program defines statutory subject matter. MPEP 2106 IV.B.1.a. Claim 15 as originally presented, therefore, appears to recite statutory subject matter. Nevertheless, Claim 15 has been amended to recite that the computer readable medium includes computer readable instructions thereon that when executed by the computer cause the computer to perform the acts recited in the body of the claim. Applicant requests, therefore, that the Section 101 rejection of Claim 15 be withdrawn.

Claims 1-10 and 15 were rejected under Section 101 at pages 7-8 of the Office Action because, the Office asserts, the claim elements "are not clearly and definitely interconnected." As noted above for the Section 112 rejections, the claims have been amended to more clearly recite the "interconnection" between the elements. The

amendments, therefore, are also felt to address the items noted by the Office at pages 7-8 of the Office Action.

***Rejections Based On Vogel and Kara***

All pending claims stand rejected under Section 102 and 103 as being anticipated by Vogel (5914464) (Claims 1, 5, 6, 8, 10 and 15) or obvious over Vogel in view of Kara (5822739) (Claims 7 and 12-14).

Claim 1 has been amended to recite determining the number of sheets in the parcel based on a relationship between the thickness of the parcel and the number of sheets in the parcel. The weight of the parcel is then determined based on the determined number of sheets in the parcel and weight data accessed for the sheets and the packaging. In Vogel, by contrast, the thickness of the parcel is measured to determine compliance with postal regulations establishing the maximum allowable parcel thicknesses. Vogel, column 5, lines 43-51. Vogel does not determine the number of sheets in the parcel based on a relationship between the thickness of the parcel and the number of sheets in the parcel as recited in amended Claim 1.

Similar limitations are found in amended Claims 6, 10 and 15. Claim 6, as amended, recites determining the number of sheets in the parcel based on a relationship between the thickness of the parcel and the type of print media in the parcel. Claim 10, as amended, recites computing the weight of the parcel based on the accessed weight data and the detected thickness and scanned size of the parcel. Claim 15, as amended, recites instructions for computing the weight of the parcel based on the received thickness data and the accessed weight data. As noted above for Claim 1, Vogel does not teach or even suggest the use of thickness to determine the number of sheets in the parcel or any other use of thickness to determine postage.

For this reason alone, amended Claims 1, 6, 10 and 15 and their dependent claims distinguish patentably over Vogel. For this same reason, Claims 7 and 12-14 also distinguish over the combination of Vogel and Kara.

Further with regard to Claim 7, neither Vogel nor Kara teach or suggest detecting a metal binder in the parcel and computing the weight of the parcel based on the detected metal binder. The Office's apparent assertion to the contrary for Kara is not correct.

The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

By 

Steven R. Ormiston  
Reg. No. 35,974  
208.433.1991 x204